

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes.

Mr. NICKLES. I now ask for its second reading and would object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The bill will remain at the desk pending its second reading on the next legislative day.

PROVIDING FOR THE SAFETY OF JOURNEYMEN BOXERS

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate immediately proceed to consideration of H.R. 4167, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4167) to provide for the safety of journeymen boxers, and for other purposes.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4167) was deemed read for a third time, and passed.

FALSE STATEMENTS ACCOUNTABILITY ACT OF 1996

Mr. NICKLES. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (H.R. 3166) to amend title 18, United States Code, with respect to the crime of false statement in a Government matter.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 3166) entitled "An Act to amend title 18, United States Code, with respect to the crime of false statement in a Government matter", with the following House amendment to Senate amendments:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "False Statements Accountability Act of 1996".

SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.

Section 1001 of title 18, United States Code, is amended to read as follows:

"§ 1001. Statements or entries generally

"(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(2) makes any materially false, fictitious, or fraudulent statement or representation; or

"(3) makes or uses any false writing or document knowing the same to contain any materially false fictitious or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

"(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

"(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

"(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate."

SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CONGRESS.

Section 1515 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) As used in section 1505, the term 'corruptly' means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information."

SEC. 4. ENFORCING SENATE SUBPOENA.

Section 1365(a) of title 28, United States Code, is amended in the second sentence, by striking "Federal Government acting within his official capacity" and inserting "executive branch of the Federal Government acting within his or her official capacity, except that this section shall apply if the refusal to comply is based on the assertion of a personal privilege or objection and is not based on a governmental privilege or objection the assertion of which has been authorized by the executive branch of the Federal Government".

SEC. 5. COMPELLING TRUTHFUL TESTIMONY FROM IMMUNIZED WITNESS.

Section 6005 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or ancillary to" after "any proceeding before"; and

(2) in subsection (b)—
(A) in paragraphs (1) and (2), by inserting "or ancillary to" after "a proceeding before" each place that term appears; and

(B) in paragraph (3), by adding a period at the end.

Mr. SPECTER. Mr. President, I am pleased that the Senate is taking final action to enact the False Statements Accountability Act of 1996, legislation to overturn the Supreme Court's 1995 decision in *Hubbard versus United States* and restore the prohibition on making false statements to Congress.

The bill before us is in substance identical to the bill that passed the Senate on July 25, 1996, except in one respect. I do not want to reiterate all that I said at that time, so I will address at this time only the one substantive difference between the bill passed by the Senate and the current compromise we will vote on today.

As passed, the Senate bill provided blanket application to prohibit any

false statement made to Congress or any component of Congress, including individual members and their offices. The coverage provided by the House bill was much narrower in scope. The trick was to reconcile the two approaches. Through detailed negotiations and the good faith of all concerned, we have been able to produce this compromise legislation, which restores the applicability of section 1001 of title 18 of the United States Code to the areas in which Congress most needs it.

First, the compromise covers false statements made in all administrative matters. This includes claims for payment, vouchers, and contracting proposals. The provision also covers all employment related matters, such as submitting a phony resume or making false claims before the Office of Compliance or Office of Fair Employment Practices. Also covered are all documents required by law, rule, or regulation to be submitted to Congress. This crucial provision will cover all filings under the Ethics in Government Act and the Lobbying Disclosure Act and provides a real deterrent to false filings under these two laws, among others. For this reason alone, this bill is one of the most important congressional reforms we will have taken during this Congress.

The compromise also applies the prohibition on false statements to an investigation or review conducted by any committee, subcommittee, commission, or office of the Congress. This provision will prohibit knowing and willful material false statements to entities like the General Accounting Office and the Congressional Budget Office. False statements to the Capitol Police will also be covered.

The greatest difficulty was in formulating the scope of the applicability of the false statement prohibition to committees and subcommittees of each House of Congress. Only committee or subcommittee investigations or reviews conducted pursuant to the authority of the particular committee or subcommittee, meaning within its jurisdiction, will receive the protection of section 1001, and then only so long as the investigation or review is conducted in a manner consistent with the rules of the House or Senate, as relevant. This provision will allow each House to determine for itself whether to limit the circumstances in which committee or subcommittee investigations or reviews will be covered by section 1001. We do not intend, however, for the Senate to need to change its rules before false statements made to a committee or subcommittee conducting a review of a policy within its jurisdiction be punishable under this act.

In having the bill cover any investigation, we intend to cover formal investigations conducted pursuant to the rules of particular committees of the Senate, many of which have specific rules covering investigations. Thus, an investigation will be a more formal inquiry into a particular matter within